IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.664 of 2000
Date of decision: November 22, 2006.

Jagat Singh

...**Petitioner(s)**

v.

Shri Ajit Singh & Anr.

...**Respondent(s)**

Present: Shri Gurnam Singh, Advocate for the petitioner.

Shri S.K. Sharma, Standing Counsel for Union of India, for respondent No.2.

Shri G.S. Cheema, Sr. Dy. Advocate General, Punjab for respondents No. 2 & 3.

Surya Kant, J. (Oral)

The petitioner, asserting himself to be a freedom fighter, filed CWP No.13272 of 1993 for restoration of the freedom fighter's pension which was earlier sanctioned in his favour with effect from 1.8.1980. The above stated writ petition was disposed of by this Court on October 14, 1999 on the basis of a joint statement made by Learned Counsel for the parties that the matter was squarely covered by an earlier decision of this Court rendered in CWP No.11909 of 1993 (Roor Singh v. Union of India etc.). The writ petition was accordingly disposed of with a direction to the Union of India to re-appraise the evidence to arrive at a proper conclusion

in regard to entitlement of the petitioner. It was also directed that while taking decision in the matter, the judgment rendered by this Court in **Bhagwan Singh's** case shall also be kept in view. The entire exercise was required to be done within three months.

Alleging non-compliance of the above stated order, this contempt petition has been filed in which show cause notice to respondent No.2 (i.e. Secretary, Department of General Administration, Political Cell II, Punjab) was issued on June 2, 2000. Thereafter, on August 21, 2001, show cause notice to respondent No.1 (i.e. Under Secretary, Union of India, Ministry of Home Affairs, Freedom Fighter Division) was also issued. After repeated adjournments, the first respondent filed his reply on 4.7.2005 only.

In the aforesaid reply, it was pretended that the petitioner's claim regarding grant of freedom fighter's pension could not be determined as he failed to furnish the certificate(s) from his co-prisoners. The aforesaid plea was turned down by this Court vide a self-speaking order dated 12.9.2005 for the reason that according to the petitioner, his co-prisoner had already expired. Consequently, one more opportunity was given to the first respondent to decide the petitioner's claim on the basis of the material on record.

The said direction was also not complied with timely.

On 24.7.2006, notice was taken of the slip-shod manner in which respondent No.1 dealt with the matter and accordingly a direction was issued to the said respondent to appear and explain as to why the orders dated 14.10.1999 (in the main case) and 1.9.2005 (in the contempt proceedings) were defied.

Pursuant thereto, Mr. Manojit Dey, Under Secretary, Ministry of Home Affairs, New Delhi did appear before this court on 25.9.2006 and filed an additional affidavit. Along with the said affidavit,a copy of communication dated 1.7.2005 was appended vide which the petitioner's claim for the grant of freedom fighter's pension was purported to have been considered and turned down.

Though the legality and propriety of the order dated 1.7.2005 (Annexure A) cannot be gone into and is beyond the scope of these contempt proceedings and the petitioner may, if he so chooses, impugn the same before an appropriate forum, however, it cannot be overlooked that the first respondent has taken about six years to comply with the directions issued by this Court, though the needful was to be done within a period of three months from the date of receipt of certified copy of the order dated 14.10.1999.

The explanation rendered for the inordinate delay is highly unsatisfactory and consequently rejected.

Learned Counsel for respondent No.1, however, refers to para 10 of the additional affidavit filed by respondent No.1 wherein unconditional and unqualified apology has been tendered by the said respondent. He also submits that the Court should show magnanimity in such like matters, more so when the delay has not been caused willfully or deliberately.

After hearing Learned Counsel for the parties, I am inclined to take a lenient view in the matter, also for the reason that the petitioner can be suitably compensated in monetary terms for the avoidable harassment caused to him. Accordingly, this petition is disposed of with costs of

Rs.10,000/- which the Union of India shall pay to the petitioner within a period of two months from the date of receipt of a certified copy of this order.

Disposed of.

Rule discharged.

November 22, 2006. [**Surya Kant**]
kadyan **Judge**